

# Help In Returning To Work - '94

## **Vocational Rehabilitation Benefits for Workers Injured after January 1, 1994**

### ***What is vocational rehabilitation?***

Vocational rehabilitation is a workers' compensation benefit that helps injured workers return to work.

You qualify for vocational rehabilitation if you can no longer do your old job, and your employer does not offer you another.

If you qualify, a plan to return you to work will usually be developed by a vocational counselor -- with assistance from you and your claims administrator, the person who is handling your claim for your employer or your employer's insurance company.

California law limits the amount of money for rehabilitation services.

### ***How do I find out if I'm eligible for vocational rehabilitation services?***

When you are off work for 90 days, your claims administrator will give the

doctor who is treating you a job description which lists the exact duties you performed at work.

Your claims administrator will ask you for your help in preparing this job description. This is to make sure that your doctor has an accurate picture of your job duties.

Your participation is very important, because if you do not assist, the claims administrator may send your doctor the employer's description of your job.

If you need help filling out the job description form, you may contact the Division of Workers' Compensation (DWC) information and assistance office. (See list for the phone number of the office nearest you).

Once your doctor reports whether you can return to your job, you will receive a letter from the claims administrator and a copy of the doctor's final report.

If you are unable to return to your old job, your employer will decide whether you can return to other work with your disability. You should receive a notice in about a month.

You will not qualify for rehabilitation services if you reject or fail to accept within 30 days, your employer's offer of suitable work.

### ***What if the job my employer offered does not work out?***

You may still be entitled to rehabilitation services if the job doesn't last for 12 months or your disability prevents you from performing the tasks.

If you have concerns, talk to your employer, claims administrator, or information and assistance officer.

### ***What if my employer does not offer me a job?***

You will receive an offer of vocational rehabilitation services. You have 90 days to accept. You may ask for an evaluation to help you decide.

If you want services but can't start immediately, you should let your claims administrator know and ask about the possibility of delaying services.

If you do not wish rehabilitation at all, you may decline these services by signing a form. This ends your employer's obligation to provide rehabilitation services at a later date.

### ***Can I receive cash instead of rehabilitation services?***

No. California law does not permit vocational rehabilitation benefits to be traded for cash.

### ***If I accept vocational rehabilitation, what should I expect?***

You and your claims administrator can choose an agreed upon counselor who will develop a rehabilitation plan for you. This can include job modification, job placement assistance, short term training, and self-employment possibilities -- whatever is the best way to return you to work.

You also have the right to request a change of counselor.

### ***What income do I receive if I accept vocational rehabilitation?***

If you are receiving temporary disability payments when you start vocational rehabilitation, you may continue receiving them until your doctor reports your condition is "permanent and stationary." When this occurs, you will then receive a maintenance allowance of up to \$246 per week.

There is a 52 week limit to the maintenance allowance, so it is better for you to start your rehabilitation as soon as possible. You may also receive advance payments of permanent disability benefits to supplement the maintenance allowance.

### ***What are the limits of vocational rehabilitation?***

The California Legislature has placed very strict limits on rehabilitation plans:

- \* The plan must be completed within 18 months.
- \* Vocational rehabilitation maintenance allowance payments are limited to a total of 52 weeks.
- \* Once you agree to a plan, changes are limited.
- \* Total costs, including maintenance allowance, counseling fees, services and expenses, are generally limited to \$16,000.

### ***What if I'm already enrolled in a college or university?***

If you are already enrolled and have made substantial progress toward a degree or certificate at a community college, state university or the University of California, you may be able to waive the services of a rehabilitation counselor. Funds normally paid for counseling may then be used to help pay for the college or university program in which you are enrolled. Contact the DWC Rehabilitation Unit for details.

### ***What other services or benefits could I receive as part of the vocational rehabilitation benefit?***

- \* Transportation allowance at a rate specified by the State of California.
  - \* Specific costs required for your rehabilitation plan, such as the cost of retraining, supplies, tools and equipment, tuition and student fees.
  - \* Reasonable additional living expenses, such as temporary relocation costs during evaluation or training. This consists of the costs of your food and lodging when you are required to be away from home.
  - \* Reasonable relocation expenses if permanent relocation is required
- Remember, total costs cannot be more than \$16,000 except in very limited circumstances.

### ***What are my responsibilities?***

You are expected to:

- \* Take an active role in your rehabilitation.
  - \* Complete assignments.
  - \* Be on time for all appointments, classes, interviews, and scheduled meetings.
  - \* Notify your rehabilitation counselor immediately if you are unable to keep appointments.
  - \* Maintain an accurate, complete travel expense log.
  - \* Stay in contact with and immediately notify your counselor of any problems.
  - \* Keep your counselor and claims administrator advised of any change of your address or phone number.
  - \* Be available for rehabilitation services Monday through Friday, during reasonable business hours.
- You should be aware that if you do not participate fully, your maintenance allowance may be stopped.

### ***What are the claims administrator responsibilities?***

The claims administrator in a timely manner:

- \* assists you in returning to work with your employer.
- \* pays you benefits that are due.
- \* pays for rehabilitation services and expenses that are agreed upon.
- \* notifies you of changes in benefits.
- \* submits required paperwork to DWC.
- \* responds to your questions.

If your claims administrator causes a delay in the provision of services, you may be entitled to additional benefits which could extend beyond the \$16,000 limitation. You must file a *Request for Dispute Resolution* (DWC Form RU-103) if you wish a written determination as to whether there was a delay.

### ***How do I request assistance from the DWC Rehabilitation Unit?***

We hope that you can resolve problems informally with your claims administrator. However, the DWC Rehabilitation Unit is the agency responsible for resolving disputes in vocational rehabilitation.

You can contact the Rehabilitation Unit by phone, or you may request assistance by completing a *Request for Dispute Resolution* (DWC Form RU-103). (See list for the phone number of the office nearest you.)

There is also a toll-free information number you may call for a recorded message -- 1-800-736-7401. You may also request any forms or printed information that you may need by calling the toll-free number.

### ***Should I have an attorney represent me? How much will it cost?***

Both the DWC rehabilitation consultant and the information and assistance officer are available to help at no cost to you.

If you decide you want the services of an attorney, you should be aware

that your weekly vocational rehabilitation maintenance allowance payment (VRMA) may be reduced to pay the attorney. Generally 12% of your weekly VRMA is set aside for payment of attorney fees. For example, if you are entitled to the maximum rate of \$246 per week, a 12 % reduction means that you would receive \$216.48 per week. For this reason, you should discuss attorney's fees with the attorney.

### ***What other rights do I have?***

The federal Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals. Qualified individuals include persons who have a physical or mental impairment that substantially limits one or more life activities, and who can perform essential job functions. The employer is required to provide a reasonable accommodation if it would not impose an "undue hardship" on the employer.

For information on the Americans with Disabilities Act, call the Equal Employment Opportunity Commission at 1-800-USA-EEOC.

The state Department of Fair Employment and Housing administers California laws which prohibit harassment or discrimination in employment, housing and public accommodations. If you feel an employer has discriminated against you and you want information, the phone number is 1-800-884-1684.

## ***Here are some helpful phone numbers:***

This publication is intended to answer the most frequently asked questions.

It may not necessarily provide a solution for your particular problem, because the specific facts of your situation may call for a different approach. The information contained here is general in nature, and not intended as a substitute for legal advice.

If you have more questions after reading this publication, contact one of the DWC information and assistance offices or rehabilitation offices listed below:

### **DISTRICT OFFICES OF THE DIVISION OF WORKERS' COMPENSATION**

#### **AGOURA HILLS**

Information and Assistance  
(818) 901-5374 or  
(805) 654-4701  
Rehabilitation Consultant  
(818) 901-5443

#### **ANAHEIM**

Information and Assistance  
(714) 738-4038  
Rehabilitation Consultant  
(714) 558-4581

#### **BAKERSFIELD**

Information and Assistance  
(805) 395-2514  
Rehabilitation Consultant  
(209) 445-5066

**EUREKA**

Information and Assistance  
(707) 441-5723  
Rehabilitation Consultant  
(916) 225-2659

**FRESNO**

Information and Assistance  
(209) 445-5355  
Rehabilitation Consultant  
(209) 445-5066

**GROVER BEACH**

Information and Assistance  
(805) 481-3296  
Rehabilitation Consultant  
(805) 568-0266

**LONG BEACH**

Information and Assistance  
(310) 590-5240  
Rehabilitation Consultant  
(310) 590-5033

**LOS ANGELES**

Information and Assistance  
(213) 897-1446  
Rehabilitation Consultant  
(213) 897-1475

**NORWALK**

Information and Assistance  
(310) 406-7107  
Rehabilitation Consultant  
(310) 406-2363

**OAKLAND**

Information and Assistance  
(510) 286-1358  
Rehabilitation Consultant  
(415) 557-8060

**PASADENA**

Information and Assistance  
(818) 578-8664

Rehabilitation Consultant  
(213) 897-1475

**POMONA**

Information and Assistance  
(909) 623-8568  
Rehabilitation Consultant  
(909) 623-8767

**REDDING**

Information and Assistance  
(916) 225-2047  
Rehabilitation Consultant  
(916) 225-2659

**SACRAMENTO**

Information and Assistance  
(916) 263-2741  
Rehabilitation Consultant  
(916) 263-2930

**SALINAS**

Information and Assistance  
(408) 443-3058  
Rehabilitation Consultant  
(408) 277-1102

**SAN BERNARDINO**

Information and Assistance  
(909) 383-4522  
Rehabilitation Consultant  
(909) 383-4073

**SAN DIEGO**

Information and Assistance  
(619) 525-4589  
Rehabilitation Consultant  
(619) 525-4203

**SAN FRANCISCO**

Information and Assistance  
(415) 557-1954  
Rehabilitation Consultant  
(415) 557-3915

**SAN JOSE**

Information and Assistance

(408) 277-1292

Rehabilitation Consultant  
(408) 277-1102

**SANTA ANA**

Information and Assistance  
(714) 558-4597  
Rehabilitation Consultant  
(714) 558-4581

**SANTA BARBARA**

Information and Assistance  
(805) 966-9872  
Rehabilitation Consultant  
(805) 568-0266

**SANTA MONICA**

Information and Assistance  
(310) 452-1188  
Rehabilitation Consultant  
(310) 452-4166

**SANTA ROSA**

Information and Assistance  
(707) 576-2452  
Rehabilitation Consultant  
(707) 576-2427

**STOCKTON**

Information and Assistance  
(209) 463-6201  
Rehabilitation Consultant  
(209) 948-3608

**VAN NUYS**

Information and Assistance  
(818) 901-5374  
Rehabilitation Consultant  
(818) 901-5443

**VENTURA**

Information and Assistance  
(805) 654-4701  
Rehabilitation Consultant  
(805) 654-4698

**WALNUT CREEK**

Information and Assistance

(510) 977-8343

Rehabilitation Consultant

(510) 977-8318

**ANYONE WHO KNOWINGLY FILES  
OR ASSISTS IN THE FILING OF A  
FALSE WORKERS' COMPENSATION  
CLAIM MAY BE FINED UP TO \$50,000  
AND SENT TO PRISON FOR UP TO  
FIVE YEARS.**

[Insurance Code Section 1871.4]

State of California

Department of Industrial Relations

Division of Worker's Compensation

Rehabilitation Unit